

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:15-CR-3
	:	
v.	:	(Chief Judge Conner)
	:	
ARMANDO ENRIQUE DELGADO (4),	:	
	:	
Defendant	:	

ORDER

AND NOW, this 13th day of February, 2019, upon consideration of the motion (Doc. 481) for judgment of acquittal and the motion (Doc. 479) for a new trial filed by defendant Armando Enrique Delgado (“Armando”), and in accord with the accompanying memorandum, it is hereby ORDERED that:

1. Armando’s motion (Doc. 481) for judgment of acquittal pursuant to Federal Rule of Criminal Procedure 29 is GRANTED in part and DENIED in part. Judgment of acquittal shall be entered on Count 5 of the superseding indictment (Doc. 23). The motion for judgment of acquittal is DENIED in all other respects.
2. Armando’s motion (Doc. 479) for a new trial pursuant to Federal Rule of Criminal Procedure 33 is DENIED in its entirety.
3. Armando’s conviction on Count 1 is REVERSED due to constructive amendment of the superseding indictment. The government shall promptly notify the court in the event that it intends to retry Armando on Count 1.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania